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5 Counsel for Defendant VALDOVINOS-MURILLO

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12
Plaintiff,

13 v.
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15 ARMANDO VALDOVINOS-
16 MURILLO,

17 Defendant.
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)
) No. CR 07-0789 DLJ
)

) STIPULATION AND [PROPOSED]
) ORDER CONTINUING CHANGE OF
) PLEA AND EXCLUSION OF TIME
)

19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of
20 plea date in this case, currently scheduled for Friday, April 4, 2008, at 9:00 a.m., before Honorable
21 D. Lowell Jensen, may be continued to Friday, April 18, 2008, at 9:00 a.m. for change of plea or
22 status. The current status is that Mr. Valdovinos-Murillo is charged with a violation of 8 U.S.C.
23 §1326. Mr. Valdovinos-Murillo was a lawful permanent resident ("LPR") prior to his 2004
24 deportation and defense counsel is still investigating the circumstances surrounding the
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1 determination to strip him of his LPR status and deport him. Defense counsel has just received five
2 tapes relating to the deportation hearings and needs additional time to listen to the tapes and discuss
3 them with Mr. Valdovinos-Murillo. Should the Court continue the matter to April 18 2008, it should
4 provide adequate time for counsel to complete the investigation and discuss the matter further with
5 an immigration attorney, if necessary, as well as with the client. The parties stipulate that the time
6 from April 4, 2008, to April 18, 2008, should be excluded in accordance with the provisions of the
7 Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel.
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10 DATED: April 2, 2008

11 JOYCE LEAVITT /S/
12 Assistant Federal Public Defender

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14 DATED: April 2, 2008

15 DANIEL KALEBA /S/
16 Assistant United States Attorney

17 SIGNATURE ATTESTATION

18 I hereby attest that I have on file all holograph signatures for any signatures indicated by
19 a “conformed” signature (/S/) within this e-filed document.
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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea date in this case, currently scheduled for Friday, April 4, 2008, at 9:00 a.m. may be continued to Friday, April 18, 2008, at 9:00 a.m. for change of plea or status.

IT IS FURTHER ORDERED that the time from April 4, 2008 to April 18, 2008, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel so that defense counsel can review the tapes of the deportation hearing and discuss them with an immigration attorney, if necessary, as well as with Mr. Valdovinos-Murillo. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED:

HONORABLE D. LOWELL JENSEN
United States District Judge